

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JORGE MARTINEZ	:	CIVIL ACTION
	:	
v.	:	
	:	
SKIRMISH, U.S.A., INC., ET AL.	:	NO. 07-5003

O R D E R

**AND NOW**, this 21st day of May, 2009, upon consideration of the Motion for Summary Judgment filed by Tippmann Sports, LLC (Docket No. 43), the Motion for Partial Summary Judgment filed by Skirmish, U.S.A., Inc. (Docket No. 46), all documents filed with respect thereto, and the Hearing held on May 14, 2009, **IT IS HEREBY ORDERED** as follows:

1. The Motion for Summary Judgment filed by Tippmann Sports, LLC (Docket No. 43) is **GRANTED**.
2. The Third-party Complaint filed by Skirmish, U.S.A., Inc. against Tippmann Sports, LLC (Docket No. 14) is **DISMISSED** and **JUDGMENT** is entered in favor of Tippmann Sports, LLC and against Skirmish, U.S.A., Inc.
3. Tippmann Sports, LLC is **DISMISSED** as a Third-party Defendant in this action.
4. The Motion for Partial Summary Judgment filed by Skirmish U.S.A., Inc. (Docket No. 46) is **GRANTED** and Plaintiff's strict liability and breach of implied warranty claims against Skirmish, U.S.A., Inc. related to the paintball gun used to shoot him on March 19, 2006 are **DISMISSED**.
5. Paragraphs 40 and 41 of the First Amended Complaint are **STRICKEN**.

BY THE COURT:

/s/ John R. Padova  
John R. Padova, J.